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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 SEDRIC EUGENE JOHNSON,

12 Plaintiff,

13 v.

14 S. PICKERING, et al.,

15 Defendants.
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No. 1:20-cv-00039-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DENY
PLAINTIFF'S APPLICATION TO PROCEED
IN FORMA PAUPERIS

(Doc. Nos. 2, 7)

18 Plaintiff Sedric Eugene Johnson is a state prisoner proceeding *pro se* in this civil rights
19 action pursuant to 42 U.S.C. § 1983. On January 6, 2020, plaintiff commenced this action by
20 filing a complaint (Doc. No. 1) and a motion to proceed *in forma pauperis* (Doc. No. 2). The
21 matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and
22 Local Rule 302.

23 On January 10, 2020, the assigned magistrate judge issued findings and recommendations,
24 recommending that plaintiff's application to proceed *in forma pauperis* be denied and that he be
25 required to pay the \$400.00 filing fee in full to proceed with this action because: (1) he is subject
26 to the three strikes bar under 28 U.S.C. § 1915(g); and (2) the allegations of plaintiff's complaint
27 do not satisfy the "imminent danger of serious physical injury" exception to § 1915(g). (Doc.
28 No. 7 at 2.) Those findings and recommendations were served on plaintiff and contained notice

1 that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) On
2 January 24, 2020, plaintiff filed objections to the pending findings and recommendations. (Doc.
3 No. 9.) However, in his objections, plaintiff merely reiterates his request that he be granted *in*
4 *forma pauperis* status “based off the fact that this case do[es] have merit, in which, as the next
5 stage of exhausting my administrative remedies beyond the ‘California Department of
6 Corrections and Rehabilitation . . .’” and he is unable to pay the initial filing fee. (*Id.* at 1–2.)
7 Accordingly, plaintiff’s objections provide no basis upon which to reject the pending findings and
8 recommendations. Furthermore, plaintiff’s objections do not address the magistrate judge’s
9 finding that the allegations set forth in plaintiff’s complaint are insufficient to trigger the
10 “imminent danger of serious physical injury” exception under § 1915(g).

11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has
12 conducted a *de novo* review of the case. Having carefully reviewed the entire file, including
13 plaintiff’s objections, the undersigned concludes that the findings and recommendations are
14 supported by the record and proper analysis.

15 Accordingly:

- 16 1. The findings and recommendations (Doc. No. 7) issued on January 10, 2020, are
17 adopted in full;
- 18 2. In accordance with 28 U.S.C. § 1915(g), plaintiff’s application to proceed *in forma*
19 *pauperis* (Doc. No. 2) is denied;
- 20 3. Within twenty-one (21) days following service of this order, plaintiff shall pay the
21 \$400.00 filing fee in full to proceed with this action;

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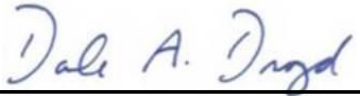
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4. Plaintiff's failure to pay the filing fee within the specified time will result in the dismissal of this action; and
5. This matter is referred back to the assigned magistrate judge for proceedings consistent with this order.

IT IS SO ORDERED.

Dated: March 13, 2020


UNITED STATES DISTRICT JUDGE